

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
October 14, 2014

JUDICIAL PERFORMANCE COMMISSION INSTITUTES FORMAL
PROCEEDINGS CONCERNING JUDGE JAMES M. PETRUCELLI

The Commission on Judicial Performance has instituted formal proceedings to inquire into matters concerning Judge James M. Petrucelli of the Fresno County Superior Court. The commencement of formal proceedings is not a determination of judicial misconduct. The formal proceedings concern the judge, after being contacted at home by a friend, ordering the Fresno jail to release a social acquaintance of the judge on his own recognizance who had been arrested on felony domestic violence charges, contrary to a statute limiting the own recognizance release of those charged with such crimes; discussing the matter with the acquaintance at a social event that evening; and, at the acquaintance's request, contacting a local attorney for possible representation of the acquaintance.

These actions are alleged to constitute willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action.

In accordance with the rules that govern commission proceedings, a hearing will be conducted by Special Masters appointed by the Supreme Court. At the hearing, the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses. Attorney Gary Schons of San Diego will serve as Examiner for the commission. Judge Petrucelli is represented by Attorney Kathleen Ewins of San Francisco.

Following completion of the hearing, the Special Masters will provide the commission with a report containing findings with respect to the charges. The parties will have an opportunity to present their views on the report to the commission through briefing and argument. If the commission determines that the charges are proved by clear and convincing evidence, it is empowered to remove, censure, publicly admonish, or privately discipline the judge. Charges that the commission determines are not proved will be dismissed. A determination by the commission to remove, censure, or admonish a judge is subject to discretionary review by the Supreme Court upon petition by the judge.

The Notice of Formal Proceedings is available for public inspection at the commission office. A copy of the Notice of Formal Proceedings is also posted on the commission's website at <http://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents"). Judge Petrucelli's Answer to the Notice is due October 27, 2014. Upon filing, the judge's answer will be made available for public inspection.

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The commission is composed of three judges, two lawyers and six public members. The chairperson is Honorable Erica R. Yew of the Santa Clara County Superior Court. Commission member Anthony P. Capozzi, Esq. is recused in this matter.

For further information about the Commission on Judicial Performance, see the commission's website at <http://cjp.ca.gov>.